

SOP 17: PCC
(Created 3/25/06;
Updated 4/2/07)
Ground Settlement
Insurance Claims- Investigation and Remediation Permits
Ordinance

Intent

This document contains the procedures and interpretations to be used when processing and reviewing permit applications for the investigation and repair of ground settlement issues with existing structures.

References

Section 17, Pasco County Code

Ordinance No. 07-04, Ground Settlement Insurance Claims – Investigation and Remediation Permits which was adopted by the Board of County Commissioners on March 13, 2007 and became effective March 26, 2007.

General

Investigation Permit

For investigative work conducted prior to March 20, 2007 and Investigation Permit is not required.

At the time an individual lot is tested for potential ground settlement activity, an Investigation Permit must be obtained from the Central Permitting Division by the property owner or authorized representative. Said permit will be readily issued for a \$20.00 fee and issued for a specific property only.

The permit shall be coded as PSH. PSH permits will remain with the Central Permitting Division.

The permit will remain in an active state until testing is complete and the Investigation Permit Findings and the report required pursuant to Florida Statutes 627.7073 are submitted to the County.

Upon receipt of a copy of the Recorded Investigation Permit Findings, a “final inspection” shall be scheduled and finalized by the Central Permitting Division.

Remediation Permit

A Remediation Permit is required prior to performance of the remediation called for in the Investigation Report. Once again, this permit will be made readily available, for a fee of \$20.00 and will outline the repair activities to be undertaken. Prior to issuance of a Remediation Permit, the Central Permitting Division shall review the findings of the Investigation Permit Final Report, if exists, and conduct a review of the proposed remediation versus the findings/recommendation in the Investigation Permit Final Report. Any deviations from the prior report(s) and the proposed remediation shall be brought to the owner/remediation contractor's attention and justification for the deviation shall be given, in written form, to the Central Permitting Manager. The deviation report shall be reviewed and if acceptable the Remediation Permit shall be issued. If the value of the Remediation work exceeds \$2,500, then a Notice of Commencement in accordance with Section 713, Florida Statute is also required prior to issuance of the permit.

The permit shall be coded as SNK. SNK permits will remain with the Central Permitting Division.

and upon receipt and review of the required final documentation, a final "inspection" posted upon receipt of the final report of the repairs undertaken.

The permit will remain active until the repairs are completed.

Upon completion of the remediation, the owner/remediation contractor shall execute the Remediation Activities Conducted summary detailing the remediation activities, repairs, material used and cost (including labor), explanation of differences between remedial activity recommended in the Investigation Report and the remediation performed, amounts paid by insurers to the property owner(s) for ground settlement on the parcel(s) and record the same with the Clerk of the Circuit Court – Public Records. A copy of the recorded Remediation Activities Conducted summary shall be given to the Central Permitting Division. The Remediation Summary shall be in substantial conformance with the previous recommendation of the Investigation Permit (where exists). Any deviations from the prior report(s) and remediation recommendation shall be brought to the owner/remediation contractor's attention and justification for the deviation shall be given, in written form, to the Central Permitting Manager.

Upon receipt of the recorded Remediation Report, the Central Permitting Division shall schedule the required inspection.

Prior to "final inspection" of the SNK permit, the Central Permitting Division shall review the summary, including the deviation report, if any and if acceptable the "final inspection" shall be approved.

Distribution

The Property Appraiser's Office shall be notified through a reporting method agreed upon by the Central Permitting Division and the Property Appraiser's Office of all Investigative and Remediation Permits.

Mapping

A data base of the Investigative Permits (PSH) and Remediation Permits (SNK) shall be made available to the GIS Section on a monthly basis for posting on the GIS layer.

Enforcement

Code Compliance shall investigate complaints. A copy of the NOV will need to be sent to the Central Permitting Division who will enter the information into the "STOP WORK" screens of the Permit System.

Effective Date

The effective date of the Settlement Insurance Claims- Investigation and Remediation Permits requirement in accordance with Chapter 17 of the PCC (Ordinance No. 07-04) is March 20, 2007.

ATTACHMENTS:

1. Ordinance No. 07-04
2. Investigative Summary Report
3. Remediation Summary Report

ATTACHMENT NO. 1: ORDINANCE NO. 07-04

AN ACT TO BE ENTITLED

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA AMENDING THE PASCO COUNTY CODE OF ORDINANCES BY CREATING CHAPTER 17 TO PROVIDE FOR REQUIREMENTS FOR OBTAINING TRACKING PERMITS FOR POTENTIAL SETTLEMENT INVESTIGATIONS AND REMEDIATION ACTIVITIES; AND FORMS FOR INCLUSION IN THE PASCO COUNTY CODE, REPEALER, SEVERABILITY, MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT THE PUBLIC HEARING, AND AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida has in Chapter 125, Florida Statutes, delegated to local government units the responsibility to adopt regulations designed to protect the public health, safety and general welfare of its citizenry; and

WHEREAS, due to a large number of ground settlement insurance claims within Pasco County, Pasco County's residents have been subjected to increased property insurance rates by insurers; and

WHEREAS, in order to create a public record of such claims and the remediation actions taken, if any, on each claim, the Board of County Commissioners has determined that it is in the public interest to track the claim investigation, results of the investigation, and any repairs recommended and completed.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. Authority and Power.

Pursuant to the Constitution of the State of Florida and through Florida Statutes Chapter 125, the Board of County Commissioners is vested with the authority to adopt the following amendments to the Pasco County Code of Ordinances, as amended, creating Chapter 17, Miscellaneous Permits.

SECTION 2. Recitals.

The foregoing whereas clauses are true and correct and are incorporated herein.

SECTION 3. Code of Ordinances, Chapter 17, Miscellaneous Permit is hereby created: Ground Settlement Insurance Claims- Investigation and Remediation Permits.

ARTICLE I. Section 17-1 Investigation Phase

- a) Applicability. For all ground settlement investigations that occur after the effective date of this Ordinance, an Investigation Permit shall be obtained prior to said investigation being conducted.
- b) Prior to investigating potential ground settlement activity under or in the lot area upon which a structure exists, an Investigation Permit shall be obtained by the homeowner or authorized representative.
- c) The Investigation Permit application shall consist of the following:
 - 1) Owner of land(s) on which the investigation shall be conducted.
 - 2) Parcel Identification Numbers of lands upon which investigation shall be conducted.
- d) The Investigation Permit shall be valid for a period of six months from date of issuance. Extensions of time, in no more than three-month increments, may be issued by the County Administrator, or his designee. A maximum of two extensions may be approved after which a new application shall be required.
- e) In order for the Investigation Permit to be considered complete, the results of the investigation shall be submitted to the County. The results shall, at a minimum, include a summary report of the findings in the following format:

Investigation Permit Findings

Permit No. _____

Parcel ID. No.(s): _____

Property Address: _____

Owner(s) Name: _____

Dates of Investigation: _____

Investigation Conducted:

Investigation Findings:

Recommended Remediation (including quantities of materials to be used):

Number of pages of attachments to this report: _____

The report shall be on paper no larger than 8½ X 11.

The Investigation Permit and Investigation Permit Findings document, upon completion, shall be recorded in the public records of Pasco County. The cost of recording said documents shall be paid by the applicant.

Section 17-2 Remediation Phase

- (a) Applicability. For all ground settlement remediation that occurs after the effective date of this Ordinance a Remediation Permit shall be obtained prior to said remediation work being started.

(b) Prior to remediation of any ground settlement, a Remediation Permit shall be obtained. This permit shall be for remediation of ground settlement for which a Building Permit in accordance with Chapter 18 of the Pasco County Code is not required.

Any Building Permit required by Chapter 18 of the Pasco County Code shall be obtained separate from the Remediation Permit.

(c) The Remediation Permit application shall consist of the following:

- (1) Owner of the land(s) on which the remediation activity shall be conducted.
- (2) Parcel Identification Number of land(s) upon which the remediation activity will be conducted.
- (3) Proposed remediation activities to be conducted which shall include quantities of materials to be used.

(d) The Remediation Permit shall be valid for a period of six months from the date of issuance.

(e) In order for the Remediation Permit to be considered complete, a report on the remedial action taken shall be submitted to the County. The report shall, at a minimum, include the activities conducted in the following format:

Remediation Activities Conducted

Permit No. _____

Investigation Permit No. _____

Parcel ID(s): _____

Property Address: _____

Owner(s) Name: _____

Date(s) Remediation Conducted: _____

Remediation Activities Conducted: _____

Materials, including quantities, used and cost of such materials and labor: _____

Explanation of any differences in remedial activity recommended in Investigation Permit Findings and those conducted:

Amount of any payment(s) by an insurer to the owner(s) pursuant to a claim for ground settlement on this parcel(s):

Number of pages of attachments to this report: _____

The report shall be on paper no larger than 8½ X 11.

The Remediation Permit and Remediation Activities Conducted documentation, upon completion, shall be recorded in the public records of Pasco County. The cost of recording said documents shall be paid by the applicant.

Section 17.3 Settlement Definitions. For purposes of this Ordinance, the term "settlement" shall include, but not be limited to, any subsidence, settlement, or sinkhole activity that impairs or has the potential to impair any structure, and for which an investigation and/or remediation is conducted.

SECTION 4. Repealer.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 5. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 6. Inclusion into the Pasco County Code.

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Pasco County Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered.

SECTION 7. Modification.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk to the Board pursuant to Section 8.

SECTION 8. Effective Date. (March 20, 2007)

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED this 13th day of March, 2007.

ATTACHMENT NO. 2: INVESTIGATIVE PERMIT FINDINGS

Investigation Permit Findings

Permit No. _____

Parcel ID. No. (s): _____

Property Address: _____

Owner(s) Name: _____

Dates of Investigation: _____

Investigation Conducted: _____ (Date and type)

Investigation Findings:

Recommended Remediation (including quantities of materials to be used):

Number of pages of attachments to this report: _____

ENGINEERS NAME/COMPANY: _____
ADDRESS _____
CITY/STATE/ZIP _____
PHONE NUMBER _____

ATTACHMENT NO. 3: REMEDIATION ACTIVITIES SUMMARY REPORT

Remediation Activities Conducted

Remediation Permit No. _____

Investigation Permit No. _____

Parcel ID(s): _____

Property Address: _____

Owner (s) Name: _____

Date(s) Remediation Conducted: _____

Remediation Activities Conducted:

Materials, including quantities, used and cost of such materials and labor:

Explanation of any differences in remedial activity recommended in Investigation Permit Findings and those conducted:

Amount of any payment(s) by an insurer to the owner(s) pursuant to a claim for ground settlement on this parcel(s):

\$ _____

Number of pages of attachments to this report: _____

ENGINEERS NAME/COMPANY: _____

ADDRESS _____

CITY/STATE/ZIP _____

PHONE NUMBER _____